

ORDINANCE NO. 126.

AN ORDINANCE GRANTING TO CENTRAL CALIFORNIA TRACTION COMPANY, A RAILROAD CORPORATION, DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF CALIFORNIA, AND HAVING ITS OFFICE AND PRINCIPAL PLACE OF BUSINESS IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND TRANSACTING BUSINESS IN THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, ITS SUCCESSORS IN INTEREST AND ASSIGNS, THE RIGHT, PRIVILEGE AND PERMISSION TO CONSTRUCT, LAY DOWN, MAINTAIN AND OPERATE A SPUR RAILROAD TRACK OF STANDARD GAUGE, FOR THE TRANSPORTATION OF FREIGHT, TOGETHER WITH THE RIGHT, PRIVILEGE AND PERMISSION TO LAY DOWN AND MAINTAIN THE NECESSARY CURBS, CROSSINGS AND THE RIGHT TO RUN CARS THEREON AND THEREUNDER, PROPELLED AND OPERATED BY ELECTRICITY, OR BY ANY OTHER LAWFUL MOTOR POWER, EXCEPT HORSES AND MULES, WITH ALL THE NECESSARY POLES AND OVERHEAD OR UNDERGROUND WIRE, ON, OVER, ALONG, UPON AND ACROSS THE STREETS, PORTIONS OF STREETS, AVENUES AND OTHER PLACES IN THE CITY OF LODI, COUNTY OF SAN JOAQUIM, STATE OF CALIFORNIA, AND PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

Commencing for the center line of said spur track at; a point in the East line of Sacramento Street, in the City of Lodi, California, which point of beginning is 70 feet North of the center line of Daisy Avenue, produced easterly to the East line of said Sacramento Street; thence northerly, on a curve to the right of 125 foot: radius, to the point of tangent; thence through the point of frog, 48 feet northeasterly to the point of switch, in the center line of present Central California Traction Company's track, 144 feet North of the point of beginning, being 6 feet West of the East line of said Sacramento Street.

BE IT ORDAINED by the Board of Trustees of the City of Lodi, as follows:--

Section 1.- The City of Lodi hereby **grants** to Central California Traction Company, a railroad corporation duly organized and existing under and by virtue of the **Laws of the State of California**, and transacting business in the County of San Joaquin, State of California, its successors in interest and assigns, the right, privilege and permission to construct, lay down, maintain and operate a spur railroad track of **standard gauge**, for the transportation of freight, together with the right, privilege and permission to lay down and maintain the *necessary* curbs, crossings and connections, and the right to **run cars** thereon and thereunder, propelled and operated by electricity, or by **any other lawful motive** power, except **horses** and mules, with **all** the necessary **poles** and overhead or underground *wires*, on, over, along **upon** and **across the streets, portions of streets, avenue6** and other places in the City of Lodi, County of San Joaquin, State of California, and particularly described as follows, to-wit:--

Commencing **for** the center line of said spur track at a point In the **East line** of Sacramento Street, in the City of Lodi, California, **which** point of beginning is 70 feet North of the center line of **Daisy Avenue**, produced easterly to the **East line** of said Sacramento Street; thence **north-**erly, on a curve to the right of 125 feet **radius**, to the point of **tangent**; thence through the point of **frog**, 48 feet northeasterly to the point of **switch**, in the center line of present Central California Traction Company's track, 144 feet North of the point of beginning, being 6 feet West of the East line of said Sacramento Street.

Section 2.- The franchise, rights, privileges and permissions herein granted to said Grantee **are** dependent **for** their continuance and validity upon the performance by said Grantee in full of all conditions as hereinafter set out, to-wit:--

First.--Said Grantee shall, in all **cases**, construct, lay down, and maintain its roadbed in said City of Lodi to the official grade of

the said streets and portions of streets in said City of Lodi, and shall not construct or raise any portion of his roadbed to a greater height than said official grade unless with the permission of said Board of Trustees of the City of Lodi.

Second.- Said Grantee shall construct suitable culverts for the passage of water at such points on said roadbed as shall be selected by the Board of Trustees of the City of Lodi, now, or at any time during the life of said franchise, and shall keep such culverts in constant repair.

Third.- Said Grantee shall, upon the order of said Board of Trustees of the City of Lodi, grade or regrade, gravel or regravels, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said Board of Trustees, of the said City of Lodi, any and all portions of said streets along which the track is laid, between the rails thereof, and for a width extending two feet on each side of said track.

It shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up, they must be replaced immediately after the completion of the work. All work must be done under the supervision of the and to the satisfaction of the Superintendent of Streets, and in no case shall said Grantee be permitted to run or operate said railroad on said streets or portions of streets where the said track is laid until the same shall have been approved by the Superintendent of Streets, and by this Board of Trustees.

Section 3.- The franchise, rights, privileges and permissions hereby granted, are hereby granted for such term, period and length of time as shall meet with the pleasure of this Board of Trustees.

Section 4.- Said Grantee shall keep its roadbed and track in good condition, with proper slopes to enable teams to pass and repass thereon,

Section 5.- All privileges and rights required by said Grantee

for the construction and maintenance of said roadbed, track, curves, crossings and connections through private property, and upon grades made by private persons are to be by said Grantee secured from the Owners of such property,

Section 6.- If the said Grantee shall fail for Thirty days to accept in writing, filed with the City Clerk of the said City of Lodi, the franchise, rights, privileges and permissions herein granted, or to commence in good faith and duly prosecute the construction of his said railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no effect and force as a grant unto the said Grantee.

Section 7.- This Ordinance shall take effect; and be In force Thirty (30) days from and after its passage and approval.

I hereby certify that the above Ordinance No. 126 was regularly introduced at an adjourned regular meeting of the Board of Trustees of the City of Lodi on Monday August 8th., and was regularly passed and adopted at a regular meeting of said Board held on Monday August 15th., 1921, by the following vote:-

Ayes: Trustees Rich, Hickok, Crose, and Montgomery.

Noes; None.

Absent: Trustee. Hale.

Attest:

J. F. Blakely

City Clerk.